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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,152	01/27/2005	Sang-Hyub Mun	WELL.P0101US	8798

7590 08/25/2005

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EXAMINER

SOTELO, JESUS D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/523,152	Applicant(s) MUN, SANG-HYUB	
	Examiner Jesús D. Sotelo	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-4 are in the application.
2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 5 is clear.. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin.

Cronin discloses a swim fin having a plastic fin panel 12; the panel is adapted to be arranged as having a hooked end portion bent downwardly by an angle of 45 degrees and further includes deflection limiting units 76 integrally formed at both sides thereof and the deflection limiting units are formed with an air/water circulation slot 95, 96 at the respective sides thereof.

The length of the fin panel is deemed to have been an obvious matter of design choice to one skilled in the art dependant on the specific performance desired.

Art Unit: 3617

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin in view of Kawai et al.

Kawai et al disclose a swim fin similar to that of Cronin and teaches providing the fin panel with at least one hole penetrating through the surface from top to bottom at a rear end portion thereof. In view of these disclosures, it would have been obvious to one having ordinary skill in the art to provide the fin of Cronin with vent holes generally as taught by Kawai et al. The vent holes would have been desirable to improve the performance of the fin, generally as taught by Kawai et al.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin in view of Beltrani et al.

Beltrani et al discloses a swim fin and teaches providing the shoe portion with embossed lines extending from the top of the shoe to the bottom. Beltrani et al also discloses providing the shoe with embossed protrusions and rubber plates for slippage prevention. In view of these disclosures, it would have been obvious to one having ordinary skill in the art to provide the swim fin of Cronin with a shoe portion having embossed lines above and embossed protrusions on the bottom of the sole of the shoe, generally as taught by Beltrani et al. The embossing on the top and on the bottom would have been desirable to provide more strength and slip prevention, generally as taught by Beltrani et al.

7. With regards to the Information Disclosure Statement, it is noted that the patent 5,760,050 is drawn to non-analogous art. It is possible that a number might have been transposed.

Art Unit: 3617

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is **571-272-6686**. The examiner can normally be reached on Mon. – Fri. 5:30 AM – 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Samuel J. Morano can be reached on **571-272-6684**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jesús D. Sotelo
Jesús D. Sotelo 8/18/05
Primary Examiner
Art unit 3617
KNX 03D69 ☺

jds
August 18, 2005